

Application Serial No. 10/025,272  
Amendment dated July 9, 2004  
Reply to Office Action mailed March 9, 2004

### **REMARKS/ARGUMENTS**

Claims 9, 10 and 13-16 are pending. Claims 11 and 12 have been cancelled without intending to dedicate any patentable subject matter to the public. As set forth more fully below, reconsideration and withdrawal of the Examiner's rejections of the claims are respectfully requested.

#### **The Claim Rejections Under 35 U.S.C. § 102 Should Be Withdrawn**

The Examiner has rejected Claims 9-10 and 12-15 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,126,247 (hereinafter "Palmer"). Applicant has cancelled Claim 12. Palmer teaches a method of detecting biochemical molecules using an enzymatic colorimetric assay. The kit described at Example 7, column 35 contains MTT and a phosphate buffer in a capillary tube for use in measuring serum cholesterol. Applicant has amended Claim 9 to incorporate the limitation of Claim 11. Therefore, this rejection under 35 U.S.C. § 102(b) should be withdrawn as Palmer does not teach all of the limitations of Claim 9, as amended.

The Examiner has rejected Claims 9-10 and 12-15 under 35 U.S.C. § 102(b) as being anticipated by E.P. Patent No. 418113 (hereinafter "Organics"). Applicant has cancelled Claim 12. Organics discloses a method of detecting antibiotic activity by culturing a bacterial cell suspension in milk and detecting antibiotic activity by a color change imparted to MTT in the growth media. Applicant has amended Claim 9 to incorporate the limitation of Claim 11. Therefore, this rejection under 35 U.S.C. § 102(b) should be withdrawn as Organics does not teach all of the limitations of Claim 9, as amended.

The Examiner has rejected Claims 9-16 under 35 U.S.C. § 102(b) as being anticipated by Neuroscience Research 31(4):295-305 (1998) (hereinafter "Abe and Saito") as anticipating all pending claims. Applicant has cancelled Claims 11 and 12. Abe and Saito teaches the use of 3-nitropropionic acid and MTT in rat cortical astrocytes to determine the effect of amyloid  $\beta$  protein on succinate dehydrogenase. Contrary to the Examiner's assertion, Abe and Saito does

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not teach a tetrazolium salt other than MTT. Applicant has amended Claim 9 to include the limitations of Claim 12. As amended, Claim 9 recites tetrazolium salts useful in the visualization of cellular organelles and cytoskeletons that do not include MTT. Therefore, this rejection under 35 U.S.C. § 102(b) should be withdrawn as Abe and Saito does not teach all of the limitations of Claim 9, as amended.

Based upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

SHERIDAN ROSS P.C.

By: Robert D. Traver  
Robert D. Traver  
Registration No. 47,999  
1560 Broadway, Suite 1200  
Denver, Colorado 80202-5141  
(303) 863-9700

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